

REQUEST FOR ACTION BY:

TOWN OF CLARENCE, N.Y.

- ☒ Appeal Board
☐ Planning Board
☐ Town Board

- ☒ Appeal
☐ Rezone
☐ Revise Ordinance
☐ Subdivision
☐ Limited Use Permit
☐ Other

Rec'd. by: Planning and Zoning

Date May 6, 2015

Action Desired Applicant requests a variance of:

a) 20' to allow for a 120' tall commercial cellular tower

b) 46' to allow for a 74' setback to lot line.

Property located at 7377 Transit Road, in the Restricted Business zone.

Reason Town Code Reference:

§173-4 (D)

§173-5 (C) (3) (a)

PLEASE PRINT

d/b/a Verizon Wireless

c/o Nixon Peabody LLP

Name Upstate Cellular Network

Address 1300 Clinton Square

Rochester NY 14604

Town/City State Zip

Signed SIGNATURE ON FILE

Requests for action on zoning should be filled out completely in above spaces if practicable; otherwise give brief description and refer to attached papers. The complete request with all necessary plans, maps, signatures, should be filed with the Secretary of the Planning Board. Requests (except appeals) may be filed with the Town Clerk or Town Board, but will generally be referred to Planning Board with subsequent loss of time.

Initial Action

Approved ☐

Rejected ☐ by on 20

Approved ☐

Rejected ☐ by on 20

Published (Attach Clipping) on 20

Hearing Held by on 20

Final Action Taken

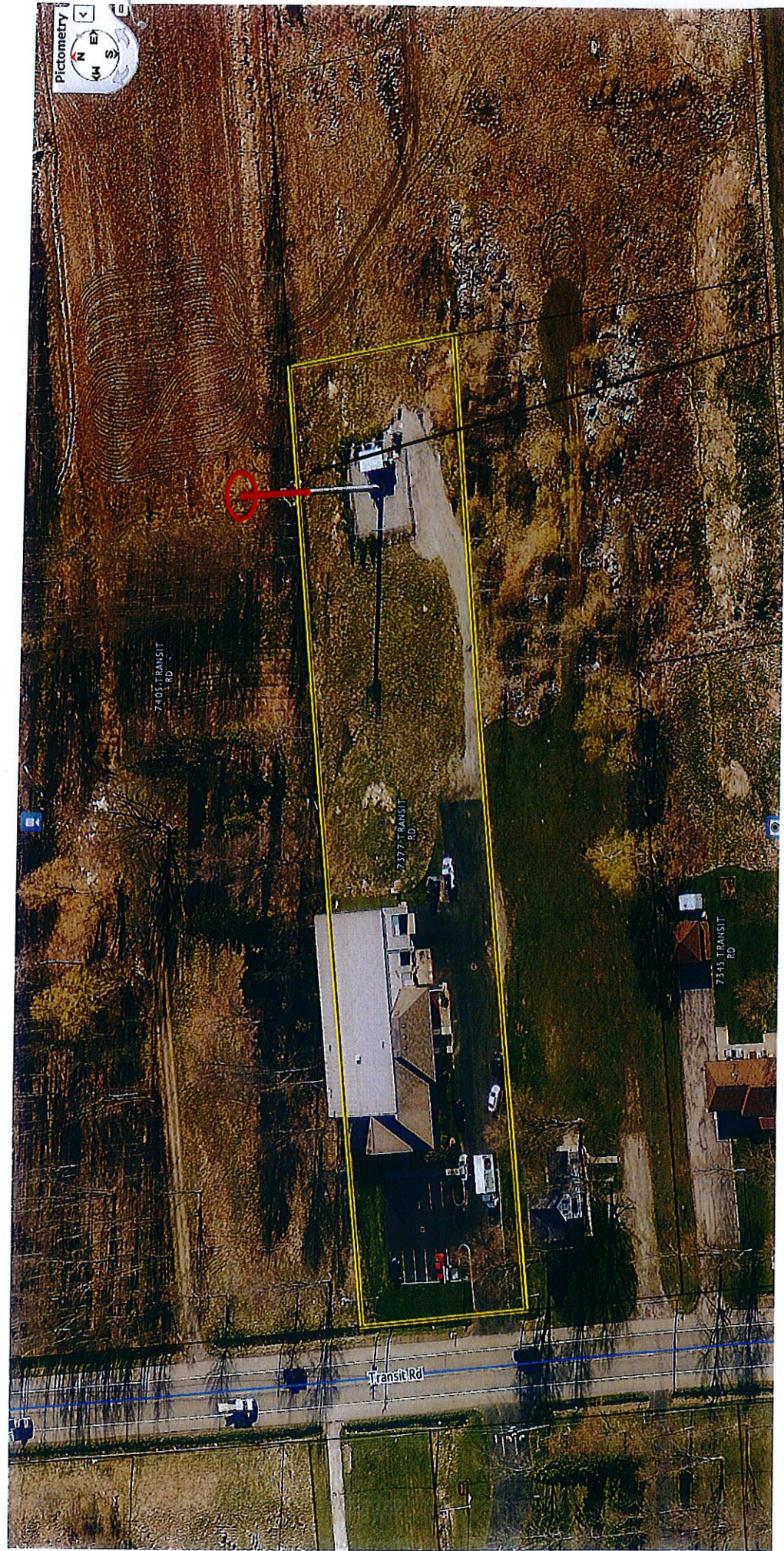
Approved ☐

Rejected ☐ by on 20

Published (Attach Clipping) on 20

Filed with Town Clerk Mary A. Snyder #100457805 on May 29 20 15

Filed with County Clerk on 20



* note the parcel lines displayed are approximate

7377 Transit Road



Proposed extension to existing cellular tower

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☐ Other

Rec'd. by: Jonathan Bleuer

Date October 2015

Action Desired Applicant requests clarification of a previous Zoning Board of Appeals Approval granted on July 12, 1994 to construct a single family residence behind an existing single family residence located on the same parcel located at 10280 Lapp Road in the Agricultural Rural Residential Zone.

Reason See ZBA minutes of 7-12-94, 11-9-99, 12-14-99.

PLEASE PRINT

Name	Margaret Kasprzyk		
Address	10280 Lapp Road		
	Clarence Center NY 14032		
Town/City	State	Zip	
Phone	741-4042		
Signed	SIGNATURE ON FILE		

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 Rejected ☐ by _____ on _____ 20____
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 Rejected ☐ by _____ on _____ 20____
 Published (Attach Clipping) _____ on _____ 20____
 Hearing Held by _____ on _____ 20____

Final Action Taken

Approved ☐ _____ on _____ 20____
 Rejected ☐ by _____ on _____ 20____
 Published (Attach Clipping) _____ on _____ 20____
 Filed with Town Clerk _____ on _____ 20____
 Filed with County Clerk _____ on _____ 20____



* note the parcel lines displayed are approximate
10280 Lapp Road

Existing single family home and accessory
structure

Proposed single family home

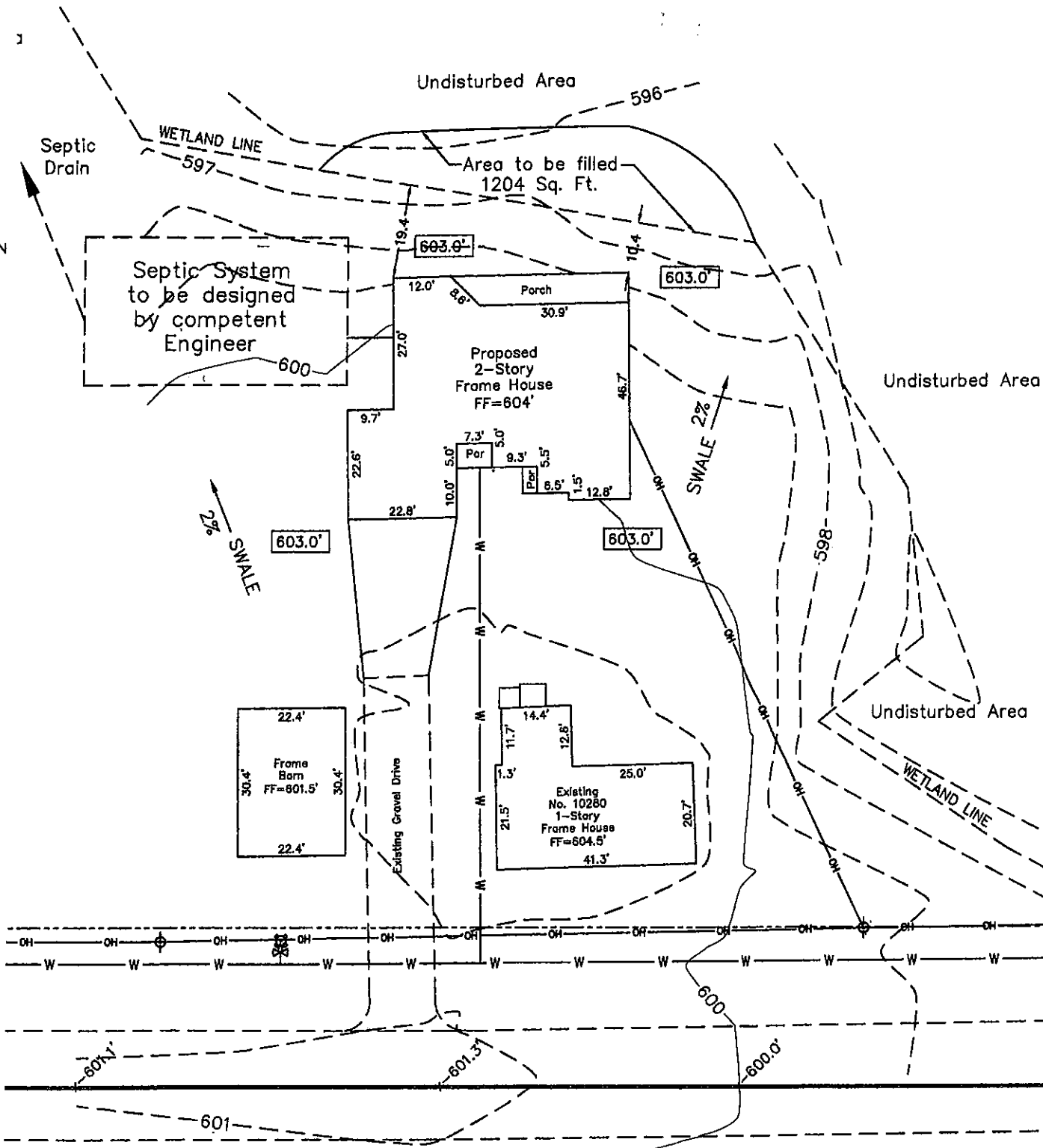
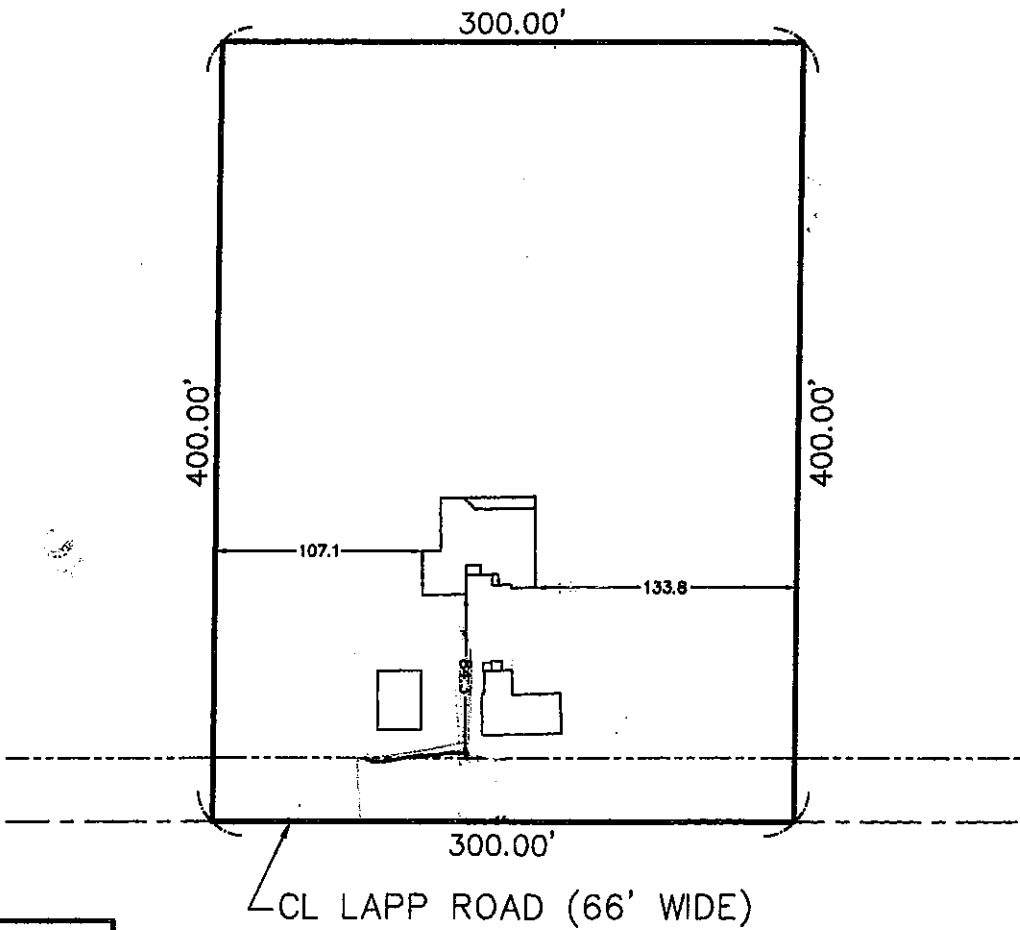
DRAINAGE & PLOT PLAN

OF

SBL NO. 30.00-2-9
10280 LAPP ROAD
PART OF LOT-54, T-13, R-6
TOWN OF CLARENCE
ERIE COUNTY, NEW YORK

LEGEND

- 659' GROUND ELEVATION AT FOUNDATION
- DRAINAGE ARROW
- 100 CONTOUR MAJOR EXIST
- 100 CONTOUR MINOR EXIST



Handwritten signature: G. M. C. JAG

REQUESTED BY: John & Margaret Kasprzyk

GENZEL LAND SURVEYING, P.C. ©2015
7033 COLE ROAD COLDEN, NEW YORK 14033
PH: (716) 667-9733 FAX: (716) 667-9735
JOB NO. 3749 DATE: 05/20/15 DWN. BY: JAG

ADDRESS: 10280 LAPP ROAD, CLARENCE NEW YORK
DATE OF SURVEY: 05/15/15 DATE OF MAP: 05/20/15
DEED REF: LIBER-9724 PAGE-3

LEGAL: PART OF LOT-54, T-13, R-6 OF THE HOLLAND LAND COMPANY'S SURVEY, TOWN OF CLARENCE, ERIE COUNTY, NEW YORK
NO PROPERTY CORNERS WERE SET AS PART OF THIS SURVEY

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF NEW YORK STATE EDUCATION LAW



1"=100'

BOARD OF APPEALS MINUTES

July 12, 1994

7:30 p.m.

APPEAL NO. I
James Popiela

5589 TRANSIT ROAD - WILSON FARMS

★ X APPEAL NO. II
John Kasprzyk

10280 LAPP ROAD

APPEAL NO. III
John Stevens

7750 NORTHFIELD ROAD

APPEAL NO. IV
Edward Woodworth

10515 KELLER ROAD

Attending:

John Brady
Charles Cullinan
Theodore Donner
John Gatti
Ron Newton

Interested Persons:

Jeff Palumbo
Tom Willet
Charles Henrich
Jim Popiela
John Kasprzyk
Margaqret Kasprzyk — 741-4042
Bob Reggentine
Ken Stevens
Edward Woodworth

APPEAL NO. I
James Popiela

REQUEST
FOR
ACTION:

5589 TRANSIT ROAD - WILSON FARMS

Request the Board of Appeals approve and grant three variances:

1. A twenty foot (20') variance creating an eighty foot (80') square foot area of free standing sign.
2. A fifty nine foot (59') variance creating a one foot (1') front lot line set back from Transit Road for free standing sign.
3. A fifty nine foot (59') variance creating a one foot (1') front lot line set back from Roll Road for free standing sign at 5589 Transit Road. (Wilson Farms)

DISCUSSION
COVERED:

Jeff Palumbo represented Wilson Farms along with Jim Popiela and Tom Willett. They had originally requested five variances, however, they didn't feel it was necessary to pursue numbers two and three on the agenda, and wanted to delete them. At the time they made the requests the building was still under construction, and no longer require the additional height, or the additional sign. Mr. Palumbo stated that they felt that they needed the extra square footage for the pole sign because the visibility from the south is limited. There are trees that really cut the view no matter which direction you are coming from. Mr. Henrich opposed the signage placement. He cited that Nealen's Food Market was not allowed to place their sign as close to the road as they had requested. Mr. Newton raised several objections regarding the variances. He said that if they

shopping at the store will not be neighborhood people. Ted Donner said that he had some concerns about Nealen's signage. Mr. Brady said that was before this Boards time. There was more discussion, and Mr. Cullinan stated he didn't have a problem with the sign, because if you are going to have a sign you should be able to see it. A motion by Ron Newton was lost for lack of a second to that motion.

ACTION
OF
BOARD:

Motion by Charles Cullinan, seconded by John Gatti, that the variances be granted as written with the deletion of number 2 and number 3.

Charles Cullinan	AYE	Ron Newton	NAY
John Gatti	AYE	John Brady	NAY
Theodore Donner	AYE		

MOTION CARRIED.

APPEAL NO. II
John Kasprzyk

10280 LAPP ROAD

REQUEST
FOR
ACTION:

Request the Board of Appeals approve and grant two variances:

- X 1. A twenty foot (20') variance creating a one hundred twenty foot (120') front lot line set back necessary to erect a single family home at 10280 Lapp Road.
- 2. A fifty foot (50') variance creating a fifty foot (50') front lot line set back, a ninety three foot (93') variance creating a seven foot (7') side lot set back necessary to construct a pond, a two and a quarter acre (2.25) variance creating a two and three quarters acre (2.75)

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an overflow in case the beavers damm it up again. If it backs up, it will back up into the pond, and won't affect anyone downstream or upstream. There were some questions from Charles Cullinan regarding the authority of the Board to grant this variance. However, this is only the beginning step of the process. It will have to be approved by the DEC, as well as the Town Engineer, and then final approval by the Town Board after all the requirements have been met and satisfied.

ACTION
OF
BOARD:

X
Motion by Charles Cullinan, seconded by Ron Newton that the appeal be granted as written because it will add to the value of the property.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO. III
Donald Stevens

7750 NORTHFIELD ROAD

REQUEST
FOR
ACTION:

Request the Board of appeals approve and grant a six hundred twenty four (624) square foot variance creating a thirteen hundred forty four (1344) square foot area of existing private garage at 7750 Northfield Road.

DISCUSSION
COVERED:

The applicant explained why he needs this variance. He has eight vehicles, he collects cars as a hobby. He also has four motorcycles, two boats, and lawn and garden equipment. He would like to keep them undercover to preserve the value of the property and to keep his property looking nice. Everyone visited the site and understands the need to enclose these possessions into a garage. it will make the neighborhood look

Page 9433
at 10515 Keller Road.

DISCUSSION
COVERED:

Applicant presented letters from the neighbors on both sides, and one more further down the street. A letter was read from one of the neighbors, Nancy Knop, and she has changed her mind. She wants to build a house in the near future and doesn't want anyone building behind her. Mr. Woodworth explained that the land is wet, and that 700 to 750 feet back is the peak of the land. Otherwise, he would have to bring in an incredible amount of fill. They would probably have to bring in two to two and a half acres of fill, and it would not be cost effective. Ron Newton opposed the set back saying it would be infringing on the privacy of his neighbors. He suggested putting in a pond to alleviate the drainage problem if he placed his house at the same setback as Frank Graziano, which is at five hundred feet. There are in excess of six hundred evergreen trees that have been planted, and he would prefer not to disturb them. Eventually they will provide privacy for his neighbors on either side of his property.

ACTION
OF
BOARD:

Motion by Charles Cullinan, seconded by John Gatt, that this appeal be granted as written because it has been well planned, and the privacy of the neighbors has already been taken into consideration. Construction must start within one year.

ALL VOTING AYE. MOTION CARRIED.

Motion by Charles Cullinan, seconded by John Gatti that the minutes of June 14 1994 be

APPEAL NO III
John Kasprzyk
Agriculture

Requests the Board of Appeals approve and grant a thirty two foot (32') variance creating a thirteen foot (13') setback for construction of a new garage at 10280 Lapp Road.

DISCUSSION:

On July 12, 1994 the Board of Appeals granted two variances, one for a non-conforming pond, and a one hundred twenty foot setback for their new home. Neither one has been constructed at this point. The house that they are living in now will become his workshop. The new house is going to be located where the frame barn is now. The pond will be behind the new house, the lot is 400 feet deep by 300 feet wide. The new garage will be for lawn equipment, and his own personal hobbies. It will be a three car garage.

The house that they live in has a non-conforming setback, it was built before there were zoning regulations. They obtained a building permit for the garage last year not knowing where it was going to be located, however, when the builder went in to get the permit someone told them that the setback would require a variance. They want to put the garage up now. They want to build the garage before the house. They have things in the garage that collapsed last winter, that they want to put in the new garage. Mr. Kasprzyk works out of his home. Ron Newton said he agrees with Mr. Henning that he can't understand why the garage cannot be moved back farther. Ray Skaine said this is not a working garage, this is really an accessory building, and should set back at 75 feet. It is going to be used for storage after the new house is built. They are going to build another garage for their house. Ray Skaine said he didn't like it, he didn't think it would fit in. Ray said they haven't dug the foundation for the home, and they could be more

BOA
11-9-99

AGR. - PERK
TZES,

creative, they have almost three acres of land. Ray Skaine said he could not vote for a thirteen foot setback on Lapp Road. Ray said that he thought Mr. Kasprzyk should stake all the rest (house and the driveway) to prove that the new garage could not be located elsewhere. The board could take another look at it next month. Ron Newton agreed with Mr. Skaine.

BOA
11-9-99

ACTION:

Motion by Raymond Skaine, seconded by Arthur Henning to table this item until the December meeting. The applicant will stake the location of the house and the driveway for the inspection by the board.

ALL VOTING AYE. MOTION CARRIED.

Unfinished Business from the meeting held on November 9, 1999

The Kasprzyk's are going to build a new home in the Spring. They are going to take the barn down, but they have to have a place to put the things that are in the barn. That is why they want to build the barn before the house. Ron Newton suggested that instead of a three bay garage at a thirteen foot setback, they could build a deeper two bay garage at a twenty five foot setback. The Kasprzyk's said there were some maple trees there they did not want to disturb. Ray Skaine cautioned the Kasprzyk's about the possible widening of Lapp Road in the future. After seeing the actual layout (model) everyone felt comfortable.

BOA
12-14-99

ACTION:

Motion by Raymond Skaine, seconded by John Gatti to approve Appeal No III from the meeting held on November 9, 1999 as written.

ALL VOTING AYE. MOTION CARRIED.

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☐ Revise Ordinance
☐ Subdivision
☐ Limited Use Permit
☐ Other

Rec'd. by: Jonathan Bleuer

Date October 26, 2015

Action Desired Applicant requests a variance of 4,131 sq. ft. to allow for a 21,192 sq. ft. lot located at 9059 Main Street in the Commercial Zone.

Reason 9059 Main Street is a pre-existing non-conforming lot of record with currently 25,323 sq. ft.

PLEASE PRINT

Name Chuck Riggio

Address 9051 Main Street

Clarence NY 14031

Town/City 867-2694 State Zip

Signed SIGNATURE ON FILE

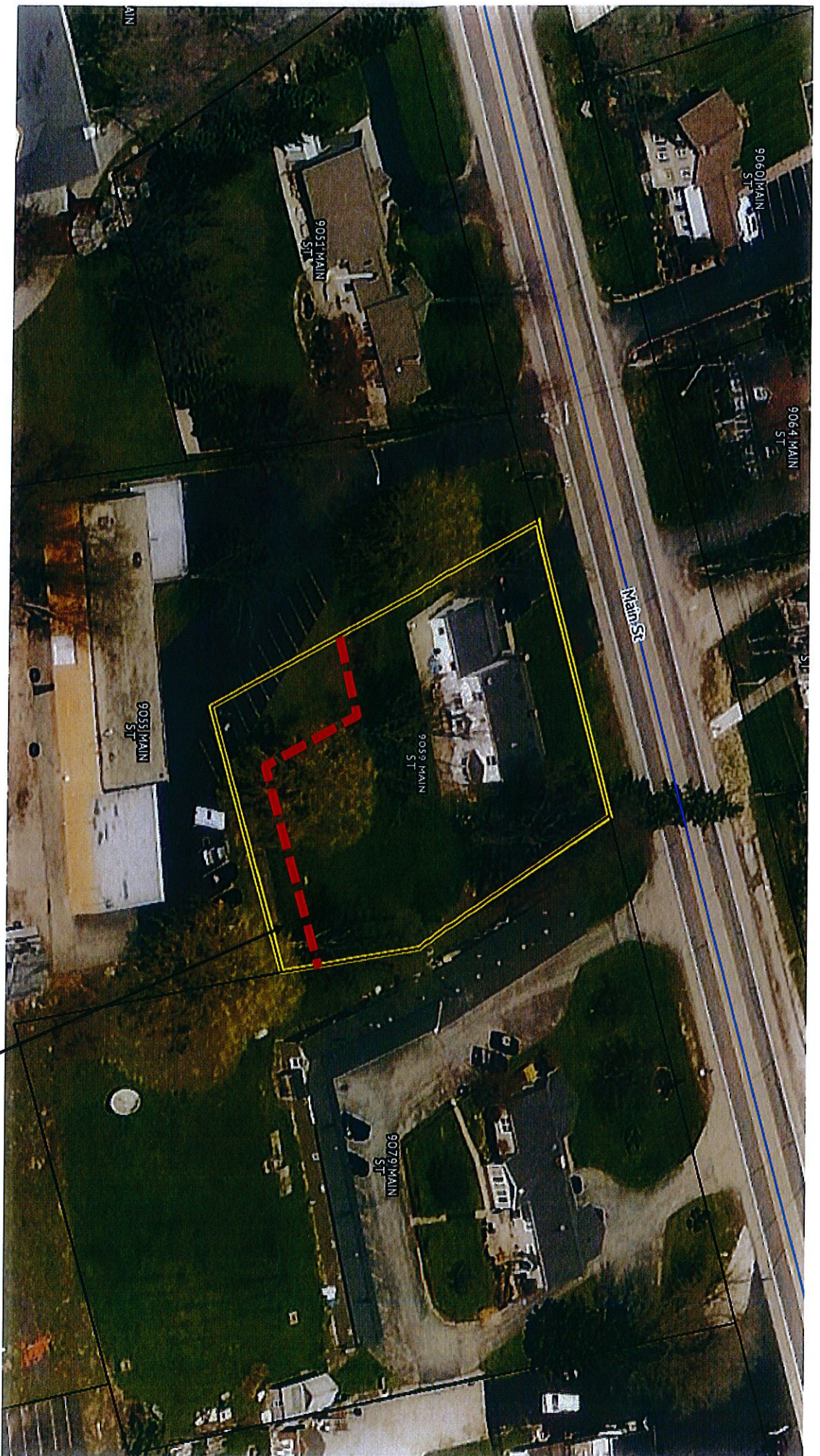
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 Hearing Held by on 20

Final Action Taken

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* note the parcel lines displayed are approximate

9059 Main Street

Proposed parcel line adjustment



MAIN STREET
(99' WIDE)

1496.43' TO THE CENTERLINE
OF SHAMMERVILLE ROAD

FND REBAR
0.35'N

EXCEPTION PARCEL
L.6257, PG.639

PARALLEL WITH THE CENTERLINE OF SHAMMERVILLE ROAD
234.53 DEED / 235.04 MEAS.

89.61' MEAS.

FND IP
0.21'E

FENCE
ON-LINE

FENCE
-0.7'E

FENCE
-0.2'S

148.0'
112.0'

BRICK & FRAME
HOUSE
NO.9059

CONCRETE PATIO

10.72

12.03

225 DEED / 225.41 MEAS.

ASPHALT PARKING LOT

PROPOSED NEW PROPERTY LINE
85.0'
131.14

PARALLEL WITH MAIN STREET
100.00'

FENCE
1.05'N



PART OF LOT: 7	HOLLAND LAND COMPANY'S SURVEY	SECT: 9	TWP: 12	RGE: 6
MAP COVER:	SUB LOT:	BLK:		
LOCATED IN: TOWN OF CLARENCE, COUNTY OF ERIE, STATE OF NEW YORK				
DATE	DRAWING REVISIONS			
WARNING: UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ©COPYRIGHT 2013 WM. SCHUTT & ASSOCIATES				
SCALE: 1"=30'	DATE: 10/02/2015	SURVEY FILE: B/15289-02		

WM SCHUTT ASSOCIATES
37 CENTRAL AVE.
LANCASTER, NY 14086-2143
PH. 716-683-5961
FAX 716-683-0169
WWW.WMSCHUTT.COM

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL AND SIGNATURE SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN UP-TO-DATE ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

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Rec'd. by: Planning & Zoning

Date October 27, 2015

Action Desired Applicant requests a variance:

A) to allow for a third accessory structure

B) of 952 sq. ft. to allow for a 1,152 sq ft. accessory structure

C) of 6' 10" to allow for a 22' 10" tall accessory structure

All requests relate to the request of a third accessory structure located at
5450 Thompson Road in the Residential Single Family Zone.

Reason A) §229-55 (H)

B) §229-55 (H)

C) §229-55 (E) (2)

PLEASE PRINT

Name Peter B. Morgan

Address 5450 Thompson Road

Clarence NY 14031

Town/City 741-5450 State Zip

Signed SIGNATURE ON FILE

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Filed with Town Clerk on 20

Filed with County Clerk on 20



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5450 Thompson Road

2-story, 24' x 24' proposed detached accessory structure.



Google Maps Google Maps



Imagery ©2015 Google, Map data ©2015 Google 50 ft

Ornamental pond



Garage Plans By Behm Design



HOME | SEISMIC MAP | F.A.Q. | SITE MAP | PLAN MOD'S | GALLERY | ABOUT BEHM DESIGN | CONTACT | GUARANTEE | RETURNS | DESIGN PARAMETERS | ABOUT PDFs |

Garage Plans Questions?
Call Jay Behm

1-800-210-6776
or EMAIL TO BEHM DESIGN

Search Site

50

(search example: 24 x 36
or: loft, or: dormer, etc.)

Garage Plans By Behm Design - PDF Garage Plans > Apartment Garages > 1152-1 - 24' x 24'

1152-1 - 24' x 24'

: \$249.95

Quantity: 1

Add to Cart

price includes 4 copies of planset + materials list

Or: Buy Now Instead As Instant Download PDF only - Price: \$229.95

Shopping Cart

Your cart is empty.

ROUGH ESTIMATE GARAGE BUILDING
COST

FREE SAMPLES PDF FILES OF OUR
GARAGE PLANS

Garage Plans Include:



FREE PROJECT PLANNING CHECKLIST

\$159.95 to \$289.95
for 4-set plan packages - including materials
lists



TESTIMONIALS:

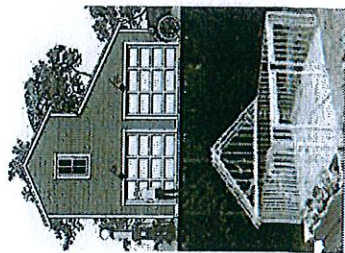


Hi Jay -

Attached is a photo of my garage (#856-1),
which turned out great. The garage plans
were thorough and made approval in my city
and county (which has a strict set of design
standards) much easier....Thank you.... M. C.,
OH

Jay, I meant to tell you much earlier what a great
value your garage plans are. This garage was
constructed late fall of '09. I was at the house the
other day and it happened to be one of those
perfect coastal New England summer days. The

Structure is as follows,
except for:
(i) top floor is just one open space,
not an apartment.
(ii) a 5' wide verandah added to
one side.

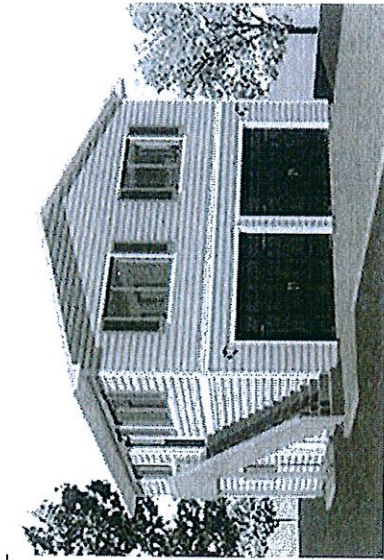


BEHM DESIGN IN THE PRESS

Shop by Category

- Heavy Duty Garages
- ^ Steep Roof Garage Plans
- 1_Car
- 2_Car
- 3_Car
- 4_Car
- All Garage Plans
- Apartment_Garages
- Attic_Garages
- Automotive_Lift_Garages
- Basic_Garages
- Brick_Garages

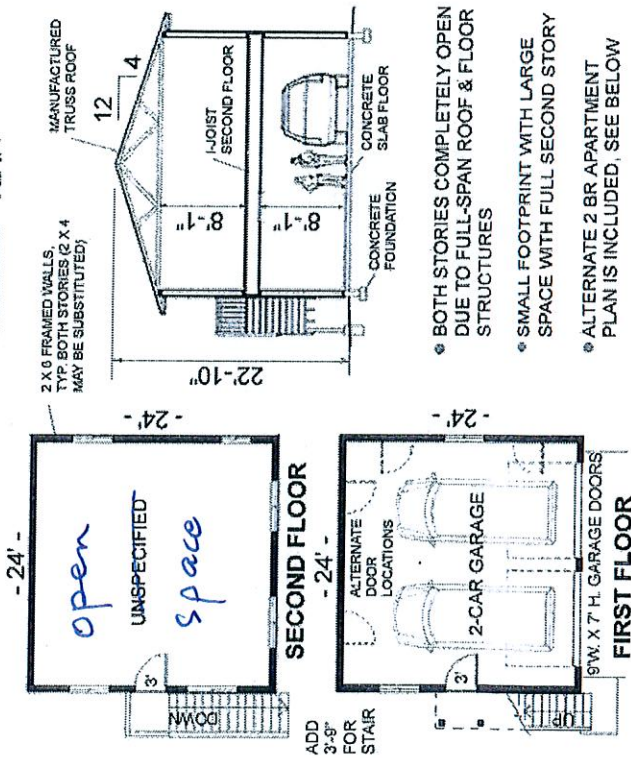
**"Thank you so much Jay,
I will do some pricing, and see what I come up
with. What a great company you have. Very**



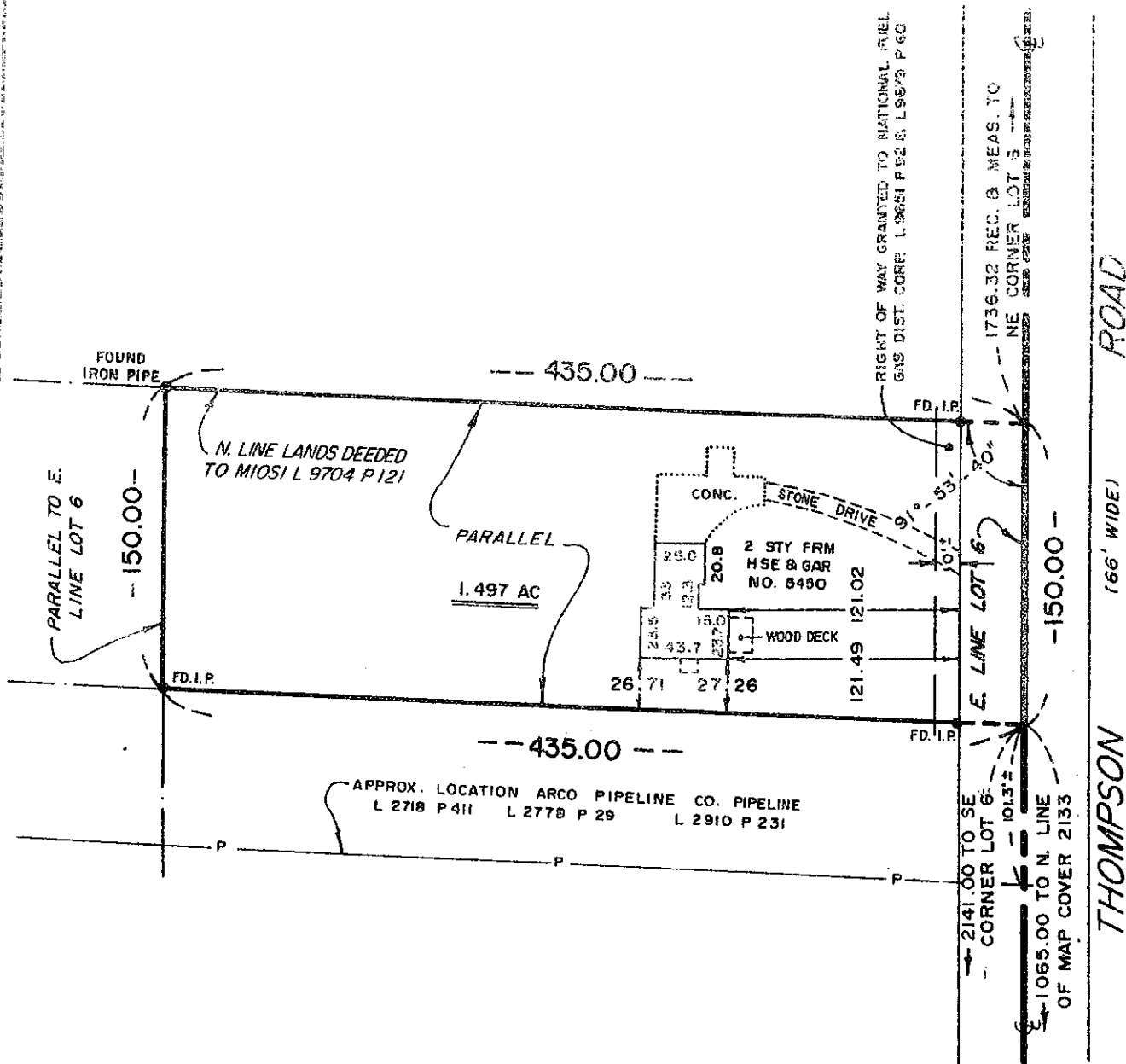
GARAGE PLAN NO. 1152-1 BY BEHM DESIGN

Jay, your garage plans were right on the money. I was able to get an accurate quote and was able to check up on the contractor to make sure it was being built by the specs. The low cost was spent on the garage plans in whole project go smoother. No potential disagreements. Every time there was a question I would just say, "build it just like the plan says." Thanks again!

R.J.M.
Binghamton, NY



A full-sized 2 car garage with apartment, a complete 2 bedroom living unit, can be an investment that easily pays for itself. This very popular garage plan has a clean and simple, conventional framed structure - with I-joint clearspanning second floor and trussed roof interior partitioning is not required for structure, giving you a very versatile building. You can build it with the apartment space or as a vacant second story. This garage plan has been built many times over many years and we keep it updated per building code



Only Copies from the original of this survey map marked with an original of the land surveyor's embossed seal and signature shall be considered to be valid true copies

Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, subdivision 2, of the New York State Education Law

PART OF LOT 6 SEC 10
TWP. 12 RGE. 6
VILLAGE OF
TOWN OF CLARENCE
COUNTY OF ERIE N.Y.

RESURVEYED 9-14-01
OTTNEY & MILLER L.S. PC.
25 BUFFALO STREET
AKRON, N.Y. 14001
716-542-5764
DATE 9-28-88
FB # 50-13D JOB # 6923